

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: CASE NO. 16-15566-PMC
DENNIS M. WOODWORTH
AND CHAPTER 7
VICTORIA L. WOODWORTH

JUDGE PAT E. MORGENSTERN-CLARREN

DEBTORS' RESPONSE TO U.S. TRUSTEE'S MOTION TO DISMISS

Now come Debtors, through Counsel, to object to the Motion to Dismiss filed by the U.S. Trustee. For cause Debtors' state that the calculations that are stated and proposed by the U.S. Trustee are not accurate based upon the situation of Debtors.

Further, the Chapter 7 Trustee has proposed to sell the real estate of Debtors at a short sale to provide income to the estate. The U.S. Trustee and the Chapter 7 Trustee has reached an agreement whereby the U.S. Trustee would not pursue the Motion to Dismiss if the short sale is successful and the estate receives funds for distribution. The Chapter 7 Trustee has already filed a Motion to appoint the Realtor. The requested Realtor has already met with Debtors and assessed their real property. If said sale should go through the creditors would likely benefit more than if the case was dismissed or converted to a Chapter 13.

Wherefore, Debtors move this court for an order dismissing the Motion to Dismiss of the U.S. Trustee or in the alternative holding said Motion in abeyance pending the result of the short sale proposed by the Chapter 7 Trustee. Debtors request that if the Court should proceed with the Motion to Dismiss that the matter be set for an evidentiary hearing regarding the allegation of the U.S. Trustee.

Respectfully submitted,

/s/ Heather L. Moseman
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CERTIFICATE OF SERVICE

I certify that on December 21, 2016, a true and correct copy of the forgoing was served:

Via the court's Electronic Case filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

Waldemar J. Wojcik, Chapter 7 Trustee, at wwojcik@wojciklpa.com

And by regular U.S. Mail, postage prepaid, on:

All Creditors on Matrix

/s/ Heather L. Moseman
Heather L. Moseman (0076457)